

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application**

CASE NO. PU-14-842

**REQUEST FOR PIPELINE ROUTE DEVIATION AND CONSOLIDATED
APPLICATION FOR AMENDED CERTIFICATE OF CORRIDOR
COMPATIBILITY AND AMENDED ROUTE PERMIT**

On December 22, 2014, Dakota Access, LLC (“Dakota Access”) filed with the North Dakota Public Service Commission (“Commission”) a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (“Siting Application”) to authorize the construction of an approximately 358-mile 12-, 20-, 24-, and 30-inch diameter crude oil pipeline and associated facilities in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties, North Dakota and terminals near Stanley in Mountrail County, near Tioga in Williams County, near Epping in Williams County, near Trenton in Williams County, near Watford City in McKenzie County, and near Johnsons Corner in McKenzie County (the “Project”). *See* PSC Docket No. 1. On January 20, 2016, the Commission entered its Findings of Fact, Conclusions of Law and Order (“Order”) issuing Certificate of Corridor Compatibility Number 179 and Route Permit Number 191 for the Project. *See* PSC Docket No. 134. Pursuant to Chapter 49-22 of the North Dakota Century Code and Section 69-06-05-02 of the North Dakota Administrative Code, Dakota Access now requests that the Commission allow for various route deviations and modify the Certificate of Corridor Compatibility and Route Permit based on these route modifications required for the Project.

Dakota Access is requesting the proposed route and corridor modifications for three primary reasons. First, in finalizing easement negotiations with landowners, Dakota Access

made several modifications to the proposed pipeline route in order to accommodate landowner requests. These landowner concerns related to protecting drainage features in active crop areas, land use potential, and minimizing the pipeline footprint by following property lines in lieu of bisecting properties. Second, environmental protection adjustments were made by Dakota Access. Specifically, the environmental route adjustments may avoid wet areas or areas containing cultural resources, providing more efficient installation and minimizing time-dependent impacts. Third, Dakota Access took into consideration constructability modifications that may generally provide for more efficient installation and may ultimately minimize long term impacts to landowners' property. The constructability adjustments may improve installation efficiencies required by design and crossing techniques such as horizontal directional drilling.

Route deviations are allowed before or during construction if the deviations do not violate any of the exclusion and avoidance area criteria found in Article 69-02 of the North Dakota Administrative Code. *See* N.D.A.C. § 69-06-05-02(3). Based on the materials submitted herewith, the route modifications requested by Dakota Access will not affect any exclusion or avoidance criteria. The affidavit of Joey Mahmoud (hereinafter referred to as "Mahmoud Affidavit") submitted in support of the route modifications states that the adjusted route will not affect any exclusion or avoidance areas. This finding is based on the Summary of the Environmental/Exclusion and Avoidance Areas Analysis Completed for the Reroute Locations discussing the exclusion and avoidance area review performed. *See* Exhibit E. This summary is supplemented by a table setting forth the exclusion and avoidance criteria analysis findings for the reroute locations, and the absence of the same within the route and corridor adjustment areas. *See* Exhibit G. A matrix with the findings of the environmental crossing analysis for the reroute locations is also provided. *See* Exhibit F.

Maps of the requested Project reroute and corridor modification locations are also enclosed herewith. *See* Exhibit A. Exhibit A-1 includes maps specific to Reroute locations 20 and 22, which are located in Mountrail County. Exhibit A-2 includes maps specific to Reroute locations 24, 25, 26, 28, 31, 34, and 36, which are located in Williams County. Exhibit A-3 includes maps specific to Reroute locations 42, 44, and 46, which are located in McKenzie County. Exhibit A-4 includes maps specific to Reroute locations 50, 52, and 53, which are located in Dunn County. The maps contain necessary route adjustment information including the previously designated route and corridor, as well as the requested route and corridor adjustments for each reroute location. The maps are supplemented by the Environmental Crossing Analysis for Reroute Locations matrix, which includes the length of the route outside the designated corridor. *See* Exhibit F. Information regarding the landowners affected by the route modifications is also included. *See* Exhibit B. The owners of the property to be crossed by the modified route have approved the proposed modifications. *See* Mahmoud Affidavit.

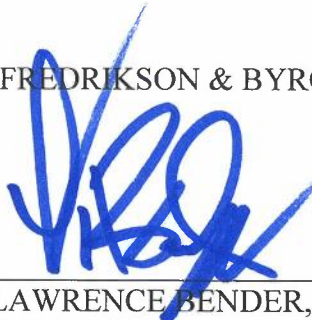
As depicted in Exhibit A, the requested route modifications are located outside the originally designated corridor, so additional field studies were conducted. In addition to the studies discussed above, Class II and Class III cultural resources surveys have been completed for the proposed modified route and corridor. Letters from the North Dakota State Historic Preservation Office (“SHPO”), all dated February 19, 2016, concurring with the findings set forth in the documentation submitted to the SHPO have been received. *See* Exhibit C. The SHPO letters also approve the Preliminary Results of the Proposed Evaluative Testing for Eligible Sites, the Evaluation and Mitigation Plan for Cultural Resources, and the Unanticipated Discoveries Plan for the Project and the route modifications. *See* Exhibit C. The review of the inventory and associated documents by the SHPO took into account all of the proposed route and

corridor adjustments, as explained in the Summary of the Cultural Resources Analysis Completed for Reroute Locations from Dakota Access. See Exhibit D.

As set forth above and in the accompany documentation, Dakota Access has conducted the appropriate review of the route deviation areas to allow for such modifications, as such modifications will not affect any exclusion or avoidance areas or other criteria considered by the Commission. Pursuant to North Dakota Century Code § 49-22-08, § 49-22-08.1, and North Dakota Administrative Code § 69-06-05-02(3), Dakota Access hereby requests the Commission approve the requested route deviations, and issue an amended Certificate of Corridor Compatibility and amended Route Permit so that Dakota Access may continue with construction of the Project.

Dated this 5th day of April, 2016.

FREDRIKSON & BYRON, P.A.



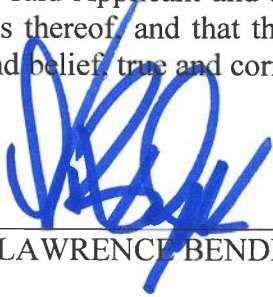
By

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) ss.
COUNTY OF BURLEIGH)

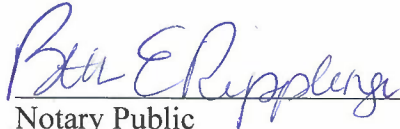
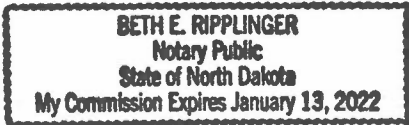
LAWRENCE BENDER, of lawful age, being first duly sworn, on oath deposes and says:

That he is one of the attorneys for Applicant in the foregoing application; that he executed the foregoing application for and on behalf of said Applicant and as its said attorney that he has read said application and knows the contents thereof, and that the statements made and contained therein are, to the best of his knowledge and belief, true and correct.



LAWRENCE BENDER

Subscribed and sworn to before me this 5th day of April, 2016.



Notary Public
My Commission Expires: